IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 8477 of 2006(H)

OA.166/2003 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
.....

PETITIONER:

STATE BANK OF TRAVANCORE,
MAVELIKARA MAIN BRANCH, MAVELIKARA REPRESENTED BY ITS CHIEF MANAGER.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW

RESPONDENTS:
----

1. **M/S.NADAVALLIL HARDWARES, PYNUMMOOD, MAVELIKARA-690 101 REPRESENTED BY ITS MANAGING PARTNER, OOMMEN VARGHESE.**

2. **M/S.NADAVALLIL STORES PYNUMMOOD, MAVELIKARA-690 101, REPRESENTED BY ITS MANAGING PARTNER, OOMMEN VARGHESE.**

3. **SRI.OOMMEN VARGHESE, S/O.VARGHESE, NADAVALLIL HOUSE, PYNUMMOOD, MAVELIKARA-690 101.**

4. **SMT.SUSAN ZACHARIAH, W/O.ZACHARIAH, KODIYATTU HOUSE, NEAR YMCA, THIRUVALLA-689 101.**

5. **SMT.ACHAMMA ALEXANDER, W/O.ALEXANDER CHACKO, MUNJANATTU HOUSE, THOTTAPPALLY P.O., KARUVATTA, HARIPAD-688 563.**

6. **SRI.C.THOMAS, MALAYIL KIZHAKKATHIL ANIL VILLA, KUNNAM, THAZHAKKARA, MAVELIKARA.**

7. SMT.ELIZABETH OMMEN,
NADAVALLIL, THAZHAKKARA, MAVELIKARA.

8. THE RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

BY ADV. SRI.S.KRISHNAMOORTHY
GOVERNMENT PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.8477/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE FINAL ORDER DT. 11.9.03 IN OA. NO.166/03 OF THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

EXT.P2:- COPY OF THE JUDGMENT DT. 21.5.03 IN OS. NO.292/01 OF THE SUB COURT, MAVELIKARA.

EXT.P3:- COPY OF THE EXECUTION PETITION AS EP. NO.180/04 FILED BY THE 6TH RESPONDENT BEFORE THE SUB COURT, MAVELIKARA.

EXT.P4:- COPY OF THE PROCLAMATION SCHEDULE FILE ALONG WITHEP. NO.180/04 BY THE 6TH RESPONDENT BEFORE THE SUB COURT, MAVELIKARA.

/TRUE COPY/

P.A. TO JUDGE

tss

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.8477 of 2006

.....

Dated this the 7th day of August, 2007.

JUDGMENT

The petitioner-Bank approached this court challenging the interim orders in an Execution Application. The case of the Bank is that the mortgaged property was subject matter of suit and execution proceeding is among the debtors and other persons without Bank being in the party array. Since DRT has passed decree in favour of the Bank based on mortgage, this court granted stay against interim orders of the execution court and property is stated to be sold by the Recovery Officer based on sale certificate issued by the DRT. Since the E.P. is still pending, I feel the execution court can decide the claim of the Bank in the course of disposal of execution petition. The petitioner in the Execution Petition will file an impleading petition to implead the petitioner-Bank and there will be direction to the Execution Court to hear the Bank and dispose of the Execution Petition within three months from date of production of copy of this judgment by any party.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms